## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHOSEN 300 MINISTRIES, INC. et al.,

v.

:

Plaintiffs,

CIVIL ACTION NO. 12-3159

CITY OF PHILADELPHIA and MAYOR MICHAEL NUTTER, individually and as the Mayor of the City of Philadelphia,

:

Defendants.

**ORDER** 

**AND NOW**, this 9th day of August, 2012, after an evidentiary hearing, arguments of counsel, and consideration of plaintiffs' motion for a preliminary injunction (document no. 2), the parties' submissions of proposed findings of fact and conclusions of law, defendants' posthearing brief, and plaintiffs' response thereto, **IT IS HEREBY ORDERED** that:

- 1. Plaintiffs' Request for a Preliminary Injunction with respect to the regulation of the Department of Parks and Recreation Regarding Outdoor Public Serving of Food, which bans such activity, as defined therein, anywhere in the Fairmount Park System with certain exceptions, is **GRANTED**. The plaintiffs having posted a bond in the amount of \$1,000.00, the City of Philadelphia is preliminarily **ENJOINED** and restrained from enforcing this regulation as to the plaintiffs in this action.
- 2. Plaintiffs' Request for a Preliminary Injunction with respect to the Regulations of the Board of Health Concerning: Outdoor Public Serving of Food: Food Safety is **DENIED**.

/s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge